

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**Milbank School District
Continuous Improvement Monitoring Process Report 2003-2004**

Team Members: Rita Pettigrew; Education Specialist, Chris Sargent; Education Specialist, Valerie Johnson; Education Specialist and, Bev Petersen; Transition Liaison Project

Dates of On Site Visit: November 11-12, 2003

Date of Report: December 4, 2003

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left un-addressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
--

General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- District's comprehensive plan
- Data table A
- District's flow through funds annual application

Student file review tabulation sheet
December child count
Private school information – letter to principal
Signature page from Individual Education Plan (IEPs)
Annual letter to parents on transportation
Transportation page from IEP'S
Least Restrictive Environment (LRE) page from IEPs
Memo to staff on May, 03 data retreat
September minutes from instructional council
Data table H
Teacher negotiated policy
Parent survey tabulation
Teacher survey tabulation
Budget information

Meets requirements

Documentation supports that the school district has an established and effectively implemented ongoing child find system to locate, identify, and evaluate children with disabilities, ages birth through 21 years, who may need special education.

Survey and data support a pre-referral and referral system is in place and effective to ensure students are identified without unnecessary delay.

Based on annual child count and individual staff member(s) who have students from the private school on their caseload, the school district does provide for children with disabilities that are eligible for special education and are voluntarily enrolled in private schools by their parents to participate in services in accordance with the requirements of the Individuals with Disabilities Act (IDEA).

When the school district refers or places a child with disabilities in a private school or facility, the special services director attends each meeting on an annual basis in person or at least via a conference call to ensure special education and related services are provided in accordance with requirements of the Individuals with Disabilities Act (IDEA).

Based on data retreat in May of 2003 and in-service on review of current data scheduled for November, the district uses data based decision-making procedures to review and analyze school district-level data to determine Average Yearly Progress (AYP) toward the state's performance goals and indicators. The number of students taking STARRS is high but justified.

No students are receiving long-term suspension & expulsion at this time. However, if needed, the district would review and analyze discipline data and revise policies/procedures if significant discrepancies are occurring between the long-term suspension and expulsion rates for children with and without disabilities.

Based on the district policies and practices for employment and supervision of all staff, the district ensures that they employ or contract with an adequate supply of personnel who are appropriately supervised, and fully licensed or certified, to work with children with disabilities.

Needs improvement

The district does implement procedures to determine personnel development needs and take appropriate action to meet those identified needs. However, surveys indicate improvement is needed as to inviting parents to in-services.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Principle One, General Supervision, meets requirements.

Needs improvement

The monitoring team agrees with the steering committee that the district does implement procedures to determine personnel development needs and take appropriate action to meet those identified needs. However, the district would like to improve personnel development by inviting parents to in-services. The monitoring agreed that by doing this, a greater knowledge base by all parties involved in a child's education program would be beneficial. An interview with administration indicated the district gave parents an invitation to attend the districts in-service at the beginning of this school year. Although no parents attended, the district will continue to extend an invitation to parents when in-services are scheduled in the district.

In addition, regular education elementary teachers and the elementary/middle school principal indicated, during interviews with the monitoring team, a need for special education in-service. In-service in the area of special education may be beneficial for improving programs.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- District's annual flow through application
- District's comprehensive plan
- Parent surveys
- Child count
- Data table I
- Part C form
- Suspension/Expulsion data

Meets requirements

A survey from parents and data collected by the state indicates the school district provides a free appropriate public education (FAPE) to all eligible children with disabilities.

Based on reports, it is supported that no students have been suspended or expelled from school for more than 10 cumulative school days. However, if it would occur, the school district does ensure that eligible children with disabilities who would be suspended or expelled from school for more than 10 cumulative school days would be provided FAPE.

Validation Results

Promising practice

Interviews with district staff indicated an elementary special education teacher and para-professional(s) work with children before school to allow for maximum attendance in the regular education classroom. During this time, the teacher and para-professional(s) work on the children's IEP goals and objectives, which are typically reading and/or writing skills. Strategies and pre-teaching of concepts are taught to the children, which are to be presented in the regular education classroom that day. Students report that this system has proven successful for them to succeed in the regular language arts class.

Interviews with middle school staff indicated that staff members meet once a week in grade level conferences. This time is used to discuss strategies for students, address referrals for special education services, and coordinate activities (i.e. identifying students who may need review for science and social studies). As a result of these meetings, the special education staff provides review sessions for students with disabilities and other students recommended by the regular education teachers.

Meets requirements

The monitoring team agrees with the steering committee that data for Principle Two, Free Appropriate Public Education, meets the requirements.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

Data sources used:

- District's comprehensive plan
- Review of student files
- Written notice document
- Teacher surveys
- Pre-referral Form
- Referral review form
- List & date of publication of tests currently used in the district
- Data table E

Meets requirements

Data in students' cumulative files and forms contain required information which supports the school district provides appropriate written notice and obtain informed consent before assessments are administered to a child as part of an evaluation or reevaluation.

Parent surveys and data support the proper identification of students. The school district ensures the proper identification of students with disabilities through the evaluation process.

Parent surveys and data in cumulative files support the school district ensures reevaluations are conducted in accordance with all procedural requirements, which ensures students are appropriately evaluated for continuing eligibility.

Needs improvement

The district needs to improve in the functional evaluations for written language; the district also needs to review the instruments used for math as teachers feel a high percent of the students referred for math do not qualify. Improvement in this area will ensure that evaluation or reevaluation procedures and instruments meet the minimum requirements.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Principle Three, Appropriate Evaluation meets the requirements with the exception of criteria for determining the existence of a learning disability and evaluation procedures (functional assessment). See information under: Out of Compliance

Needs improvement

The monitoring team addresses functional evaluation under; Out of Compliance.

Out of compliance

Issue requiring immediate attention

ARSD 24:05:25:0 Criteria for determining the existence of a learning disability

The individual education planning (IEP) team may determine that a student is a student with a learning disability when the child's evaluation results display a severe discrepancy between achievement and intellectual ability in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation, or mathematics reasoning. Through a student file review and interviews with district staff, the monitoring team determined there is a child, who was identified in April 2003, as a student with a learning disability, who does not have a severe discrepancy between their achievement and intellectual ability. In addition the student's IEP team did not take in to consideration the significant behavior indicators reported in the student's evaluation report. The IEP team marked on the IEP that the student's general education behavior was not impeding learning.

ARSD 24:05:25:04 Evaluation procedures

The district is required to ensure that a variety of assessment tools and strategies are used to gather relevant functional and development information about the child. Through a review of sixteen student files, the monitoring team found the district staff did not consistently include functional information in the evaluation process. Although functional assessment was frequently completed, only grade equivalent scores were listed in the report. The information was not analyzed and a written summary of strengths and needs were not developed for specific skill areas affected by the student's disability. The student's present level of academic performance, their progress in the general curriculum or development of annual goals and short-term instructional objectives therefore did not link to evaluation.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- Parental rights document
- Surveys
- Student file reviews
- Consent & prior notice form
- District comprehensive plan
- FERPA disclosure
- Letter to student over 21
- Data table L
- Data table M

Meets requirements

To ensure that parents are informed of their parental rights under the Individuals with Disabilities Education Act (IDEA), the district provides a booklet explaining parental rights to parents when meeting for initial permission of evaluation and parents also have the option to view a video. As of this fall, the district is sending a small print document explaining parent rights with every notice. The District ensures that parents have been fully informed of all relevant information to the activity for which consent is sought in their native language or another mode of communication by providing a video available for viewing by parents and distributing parent rights publications.

Following procedures identified in the district's comprehensive plan, the district ensures protection of child rights if no parent can be identified.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Principle Four, Procedural Safeguards, meets requirements.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- Five student files in each building chosen at random
- Student file reviews
- District's comprehensive plan
- Data table K
- Parental rights document

Meets requirements

Surveys from parents, support the district provides appropriate written notice that includes the required content for all IEP meetings. Parent surveys and file reviews support IEP teams in this district are comprised of appropriate membership and meet all identified responsibilities. The district's

comprehensive plan and results of parent survey supports the district has policies and procedures in place to ensure an appropriate IEP is developed and in effect for each eligible student.

The equitable number of students on IEPs who graduate support that the district ensures transition plans for students are a coordinated set of activities, reflecting student strengths and interests, to prepare them for post school activities. In the past ten years, three of four students who completed their program at 21 are working at jobs in the community, and two of four are living independently.

Needs improvement

The district needs to improve in ensuring that students' IEPs contain all required content. Surveys indicate that the district needs to do a better job of informing teachers of extended school year (ESY) services.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Principle Five, Individualized Education Program meets requirements except in the areas of IEP content, ESY, and transition. See information under: Out of Compliance

Needs improvement

ARSD 24:05:27:01.03 Content of individualized education program,

Justification for placement

Children in need of special education or special education and related services must be provided special programs and services to meet individual needs which are coordinated with the regular education program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In two of the three student files reviewed by the monitoring team at the upper grade level, it was found that the placement committee does not consistently provide a written description of the options considered and the reasons why those options were rejected for each placement alternative considered for the student. A written description of the option accepted and reasons why the option was accepted was not documented.

Out of compliance

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

Present level of performance

A student's IEP must contain present levels of performance based upon the skill areas affected by the student's identified disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. In the majority of the files reviewed, present levels of performance did not address specific skill area(s) affected by the student's disability, to include strengths, needs or their involvement in the general curriculum and parental input. An example of a student's present level of performance reflected only test scores and a summary of the evaluations completed for that student. The present level of performance did not specify the skill area(s) affected by the student's disability, nor did it include strengths, needs or their involvement in the general curriculum and parental input.

ARSD 24:05:25:26 Extended school year

Administrative rules state that the district will provide extended school year (ESY) services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of a free appropriate public education. When services are appropriate, an IEP team needs to

specify goals and objectives to be addressed, determine the length of the school day, duration, determine the type(s) of service, state the amount of service needed and obtain parental consent.

In seven student files, the IEP indicated extended school year was needed or was to be determined at a later date, but there was no documentation to support that extended school year was addressed. Interviews with staff and parents indicated ESY services do occur in the district, however; the documentation completed to support the provision of services was not placed in the student files, nor could it be located elsewhere.

ARSD 24:05:27:01.02 Development, review, and revision of individualized education program Consideration for special factors

In developing, reviewing, and revising each student's individualized education program, the team must consider, in the case of a student whose behavior impedes his or her learning or that of others, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

In four student files reviewed, the behavioral assessment report and/or present levels of performance contained information regarding the impact of student behavior on their educational performance. In developing the IEPs for these students, the team checked “no”, indicating the behavior does not impede learning. As a result, the IEP team did not address strategies, including positive behavioral interventions and supports to address the behaviors. Interviews with special education teachers revealed a lack of understanding regarding this requirement and how they were to address this section of the IEP.

ARSD 24:05:27:13 Modifications to regular vocational program ARSD 24:05:27:13.02 Transition services

Administrative rules state that transition planning must begin at age 14, with transition services beginning at age 16 or earlier if appropriate. Students need to be fully involved in the planning process, taking into account student preferences and interests. The review team completed a file review of ten students who are age fourteen and older. The transition portion of the IEP did not provide for an outcome orientated plan designed to assist students in moving out of school into appropriate post-secondary settings. The plans seen by the review team typically identified employment and living outcomes that were not student oriented. For example: Employment: “We expect that ___ will be employable after experience in job shadowing and supervised training”, Living: “___ is capable of living independently”. In addition, the plans lacked appropriate linkages in goals and services to attempt to meet stated outcomes and person/agency responsible to carry out the services were not identified.

ARSD 24:05:27:01.03 Content of individualized education program ARSD 24:05:30:16.01 Transfer of parental rights

The student and their parents must be informed of the transfer of parental rights one year prior to the student turning 18. In a review of three student files, the review team noted students were informed of the transfer within shorter timeframes. Example: providing notice to a student on 11/27/02 and the student turned eighteen on 7/28/03.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

Data table F

Parent, student & teacher surveys

File reviews

Meets requirements

File reviews reflect the district ensures that all children receiving services are in the least restrictive environment with the supports that they might need for successful participation.

Needs improvement

The district needs to improve by providing services to all children in the least restrictive environment with the supports they need for successful participation. Data submitted to the state indicated that preschool services need to improve in this area.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Principle Six, Least Restrictive Environment, meets requirements.

Needs improvement

The monitoring team validated the steering committee's finding to improve preschool services to children in the least restrictive environment with the support they may need for successful participation. An interview with the Early Childhood Special Education teacher indicated that the district has been researching options, such as working with Head Start, to develop a collaborative program in Milbank. Although the district meets the requirement for LRE, exploring options for improving delivery of services is beneficial for children.